

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI- LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LITIGATION)))))	Master Docket: Misc. No. 21-mc-1230- JFC MDL No. 3014
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**NOTICE OF RELATED CASE FILED ORIGINALLY IN THE
U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Philips RS North America LLC (“Philips RS”) and Philips North America LLC (together, “Philips”) hereby provide the Court with the following information concerning a new case Philips filed today in the United States District Court for the Western District of Pennsylvania. In accordance with Local Rule 40.D, Philips has identified this case as “related” to this MDL, and respectfully requests that it be assigned to this Court for all purposes.

Name:	<i>Philips RS North America LLC et al. v. PSN Labs, LLC</i>
Docket Number:	No. 2:24-cv-01077 (W.D. Pa.)
Date Filed:	July 29, 2024
Relatedness:	<p>Prior to the Philips RS recall, Philips retained PSN Labs, LLC (“PSN”) to perform certain testing and analyses regarding the potential safety risks, if any, of the polyester-based polyurethane sound abatement foam used in Philips RS PAP devices. Philips has sued PSN for, <i>inter alia</i>, breach of contract and negligence related to PSN’s testing and analysis of those devices. Philips alleges that PSN committed a number of serious errors in its testing and analyses and then took a number of steps to cover up its errors and prevent Philips from learning of them. Ultimately, as Philips only learned after Philips RS’s recall, PSN’s mistakes led to the determination of potential patient health risks that, in reality, did not exist. PSN’s reports have already been the focus of fact discovery in this MDL and will continue to be in any personal injury cases that remain. PSN’s conduct has also been explored at various depositions taken in this MDL in connection with the personal injury cases. Materials produced to Philips related to PSN are subject to this Court’s Protective Order (ECF No. 765). This action deals with the same subject matters as the other actions pending in this MDL, and it implicates many of the documents produced in this MDL, including those produced by PSN pursuant to a subpoena.</p>

Dated: July 29, 2024

Respectfully Submitted,

/s/ Michael H. Steinberg

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2024, a true and correct copy of the foregoing was filed electronically and is available for viewing and downloading from the Court's ECF System. Notice of this filing will be sent to all counsel of record by operation of the ECF System. I further certify that I caused the foregoing to be mailed via U.S. Mail and e-mailed to the recipient identified on the attached Service List.

Dated: July 29, 2024

Respectfully Submitted,

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